

550 New
FILED
AUG 28 2007
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

1 COMPLAINT BY A PRISONER UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983

2 Name Paredes Carlos Alberto
3 (Last) (First) (Initial)

4 Prisoner Number 166123

5 Institutional Address Marin County Jail, 13 Peter Behr DR. San Rafael, CA 94903

7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA

8 Carlos Alberto Paredes

9 (Enter the full name of plaintiff in this action.)

10 vs.

11 City of Novato Police Department, Officer

12 Taira DeBernardi, Badge #281

14 (Enter the full name of the defendant(s) in this action)

Case No.

(To be provided by the Clerk of Court)

COMPLAINT UNDER THE
CIVIL RIGHTS ACT,
Title 42 U.S.C § 1983

E-filing

16 [All questions on this complaint form must be answered in order for your action to proceed..]

17 I. Exhaustion of Administrative Remedies.

18 [Note: You must exhaust your administrative remedies before your claim can go
19 forward. The court will dismiss any unexhausted claims.]

20 A. Place of present confinement Marin County Jail

21 B. Is there a grievance procedure in this institution?

22 YES (✓) NO ()

23 C. Did you present the facts in your complaint for review through the grievance
24 procedure?

25 YES (✓) NO ()

26 D. If your answer is YES, list the appeal number and the date and result of the
27 appeal at each level of review. If you did not pursue a certain level of appeal,
28 explain why.

COMPLAINT

- 1 -

07-4452-SBA

1. Informal appeal _____

2. First formal level Novato, Citizen Complaint (Penal Code § 148.6 (4)(2) § 832.5) Case number # 06-08. (See Exhibit - A, attached hereto for additional information.)

3. Second formal level City of Novato Police Advisory Review Board (See Exhibit - B, and C, attached hereto for additional information.)

4. Third formal level Novato City Manager, Daniel E. Keen

E. Is the last level to which you appealed the highest level of appeal available to you?

YES (✓) NO ()

F. If you did not present your claim for review through the grievance procedure, explain why. _____

II. Parties.

A. Write your name and your present address. Do the same for additional plaintiffs, if any.

Carlos Paredes, Marin County Jail, 13 Peter Behr DR. San Rafael CA 94903

B. Write the full name of each defendant, his or her official position, and his or her place of employment.

1 Taira DeBernardi; City of Navato Police officer Badg Number N.P. 281
 2
 3
 4

5 III. Statement of Claim.

6 State here as briefly as possible the facts of your case. Be sure to describe how each
 7 defendant is involved and to include dates, when possible. Do not give any legal arguments or
 8 cite any cases or statutes. If you have more than one claim, each claim should be set forth in a
 9 separate numbered paragraph.

10 Officer Taira DeBernardi was deliberately Concealing exculpatory evidence (Debernardi's
 11 Police Report Supplemental No. Criminal, Reported date: 2/18/06) from the Plaintiff, in order
 12 to Manufacture false material evidence (DeBernardi's Police Report Supplemental No. 0005, Report
 13 dated date: 2/24/06).

14 On 2/22/06, Navato PD. arrested the Plaintiff and falsely charged him for a crime. On 2/24/06,
 15 Officer Debernardi wrote false police report (See Exhibit E, attached hereto) and stated that, "at his
 16 time of contact with the Suspect, he reported the Suspect ethnic being Hispanic Male."

17 On 3/17/06, the Plaintiff attorney made a discovery request for Police dispatch tapes. The dispatch tapes
 18 reveal that officer Debernardi broadcast over the radio that the Suspect he was looking for was a
 19 "Black Male," (Afro-American). On the day of the Preliminary Hearing, Officer Debernardi Committed Perjury and
 20 Obstructed Justice while under oath (See Exhibit A, and D; attached hereto). On 8/17/06, officer Debernardi's
 21 Original Police report (See Exhibit F, attached hereto) was accidentally disclosed throughout the Police Internal Affairs investigation.
 22 According to exhibit F, officer Debernardi wrote that the Suspect he was looking for was, "Not of Hispanic origin". Note: The
 23 Plaintiff is Mexican. In other words, he is Hispanic ethnic.

24 IV. Relief.

25 Your complaint cannot go forward unless you request specific relief. State briefly exactly
 26 what you want the court to do for you. Make no legal arguments; cite no cases or statutes.

27 The Plaintiff is (Carlos Paredes) is requesting from the Court to authorize him \$ 20,000,000.00
 28 (million (20 million dollars)) law Suit against the City of Navato Police Department. In addition am requesting
from the Court to file Criminal Charges against officer Taira Debernardi for Committing Perjury and Obstruction of Justice.

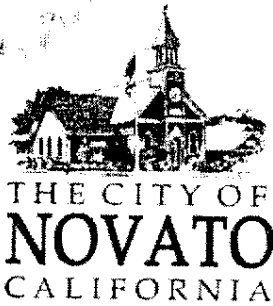
1 Officer Taina DeBernard needs to be prosecuted for Manufacturing false police
2 reports, and planting false evidence, Committing Perjury in a California Court room while under oath,
3 and Obstruction of Justice, Concealing material exculpatory evidence.
4

5 I declare under penalty of perjury that the foregoing is true and correct.
6

7 Signed this Carlos Paredes day of August 9, 2007
8

9 Carlos Paredes
10

(Plaintiff's signature)



November 29, 2006

Police Department
909 Machin Avenue
Novato, CA 94945-3242
415/897-4361
FAX 415/898-5344
www.ci.novato.ca.us

Mayor
Carole Dillon-Knutson
Mayor Pro Tem
Jeanne MacLeamy
Councilmembers
Judy Arnold
Pat Eklund
Jim Leland

City Manager
Daniel E. Keen

Police Chief
Joseph M. Kreins

Mr. Carlos Paredes
Marin County Jail
13 Peter Behr Drive
San Rafael, CA 94903-5216

Dear Mr. Paredes:

Your Citizens Complaint which was numbered, 06-08 has been investigated. At the conclusion of any investigation, there are four possible outcomes. Those outcomes are: 1) **Unfounded**: Where the investigation conclusively proves that the act or acts alleged did not occur. 2) **Exonerated**: Where the investigation conclusively proves that the act or acts alleged did in fact occur but they were legal, just or proper. 3) **Sustained**: Where the investigation conclusively proves that the act or acts alleged did occur. 4) **Not Sustained**: Where the investigation is unable to conclusively prove, one way or the other, whether or not the act or acts alleged did in fact occur.

Your Citizens Complaint alleges that Officer DeBernardi deliberately attempted to provide false information to the Court while under oath. You alleged the following penal code violations:

PC 118 - Perjury Under Oath
PC118.1 - Filing a false police report
PC 118(a) - Perjury
PC 125 - Unqualified statements
PC 129 - False Return Under Oath "Perjury"
PC 134 - Preparing False Documents of Evidence
PC 141 - Tampering with Evidence
PC 182 - Conspiracy
PC 135 - Destroying Evidence

After review of your complaint and the investigation conducted by Sgt. Rich Hill, I have made a finding of **Unfounded** on all the alleged complaints. The investigation conclusively proved that the acts complained of did not occur.

If you are not satisfied with the outcome of the investigation you have the opportunity to appeal the investigation to the Police Advisory and Review Board via the office of the City Manager within 30 days of receipt of this document. The required form is attached to this letter.

If you have a question concerning the actual investigation process you can contact my office.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Kreins", with a stylized flourish at the end.

JOSEPH M. KREINS
CHIEF OF POLICE

JMK:vt

EXHIBIT 5



**THE CITY OF
NOVATO
CALIFORNIA**

75 Rowland Way #200
Novato, CA 94945-5054
415/899-8900
FAX 415/899-8213
www.ci.novato.ca.us

Mayor

Jeanne MacLeamy
Mayor Pro Tem
Pat Eklund

Councilmembers

Carole Dillon-Knutson
Ernie Gray
Jim Leland

City Manager

Daniel E. Keen

March 14, 2007

Carlos Paredes
13 Peter Behr Dr.
San Rafael, CA 94903

Dear Mr. Paredes:

The Novato Police Advisory Review Board (PARB) met on March 1 and discussed your appeal and how best to proceed. They have decided to consider your appeal at their next regular meeting, but would like to give you the opportunity to submit a statement for their consideration, in the event you are unable to attend the hearing.

You may submit a statement either orally (tape recorded) or in writing. In order to maintain the confidentiality of the proceeding, the statement must be transmitted to the PARB through your attorney, not through the U.S. Postal Service. If you wish to tape record a statement, your attorney should let the Sheriff Service Assistant know that Capt. Dennis McQueeny has approved the request. If there are any problems, your attorney should contact the Housing Sergeant on duty.

Please let me know by April 30 if you wish to proceed in this manner. The PARB's next regular meeting is tentatively scheduled for June 7, 2007 at which time they will consider your appeal.

Sincerely,

Mary Neilan
Assistant City Manager

c: PARB members

EXHIBIT C

May 17, 2007



THE CITY OF
NOVATO
CALIFORNIA

75 Rowland Way #200
Novato, CA 94945-5054
415/899-8900
FAX 415/899-8213
www.ci.novato.ca.us

Mayor
Jeanne MacLeamy
Mayor Pro Tem
Pat Eklund
Councilmembers
Carole Dillon-Knutson
Ernie Gray
Jim Leland

City Manager
Daniel E. Keen

Carlos Paredes
13 Peter Behr Dr.
San Rafael, CA 94903

Dear Mr. Paredes:

I have received your letters and will forward them to the PARB for their review prior to the hearing on May 31.

It is possible for a family member to appear on your behalf at the hearing.

After the hearing, the Board will make a report to the City Manager as to their investigation and recommendation, if any. The City Manager will subsequently inform you as to the disposition of the appeal. This should happen within two weeks after the hearing.

Please feel free to contact me if you have other questions about the appeal process.

Sincerely,

Mary Neilan
Assistant City Manager

Note: Exhibit-D; was a report
which was Submitted to the City of
Newto Police Advisory Review Board.
Exhibit-D will explain the facts
and disclose the Conspiracy Coverup.

~~EXHIBIT F~~

~~EXHIBIT F~~

EXHIBIT F, was
deliberately Concealed for
up to Seven months.

Page 1 of 13

Line

1. (Navato Police Advisory Review Board Citizen Complaint appeal Case No. #06-08)
 2. Subject to Complaint, Taira DeBernardi N.P.#281, 1319

3.

4.

Opening Statement(s)

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33.

This report/Statement/Appeal is transmitted to the City of Navato PARB. This report will be made on the ground that the actions of the Navato Police agents (Officer DeBernardi and Sgt. J. Deadman N.P.#227) were so outrageous Bias, prejudicial and Corruption as to violate the fundamental fairness required by the due process Clause of the "Fifth" and "Fourteenth" Amendment to the United States Constitution and Article I, Section 15 of the California Constitution. In addition the (Peace officer) "Law Enforcement Code of ETHICS."

This motion will be based on this notice of motion, on the attached exhibits, declaration and memorandum of points and authorities (Case Law) served and filed herewith, on Such Supplemental declarations and memoranda of point and authorities as may hereafter be filed with the Navato Police Advisory Review Board, on all the papers and records on file in this action, and documentary evidence as may be presented at the hearing.

The following evidence, (exhibits) facts and points and authorities will prove beyond a Reasonable doubt that Officer Taira DeBernardi is a lying, Perjuring, Corrupt genocidal RACIST, that has been manipulating the Power of his Police Badge and our Judicial System. Throughout the Navato PD investigation (The February 18, 2006 offense) DeBernardi has been deliberately Concealing "Exculpatory" material evidence (DeBernardi's Original report, Police Report Supplemental No. 1 Original, page 3 of 3, Reported Date 2/18/06) which was favorable to the accused, the defendant (Carlos Paredes). DeBernard was Concealing his original report, in order to intentionally modify, manufacture a false police Report (violation of Penal Code section 118; 118.1; 134; 135; and 141(b)) to produce stronger and more Satisfactory evidence (DeBernardi's, Police Report Supplemental No. #0005, page 2 of 2, Reported Date 2/24/06).

DeBernardi represents the very worst elements of the Navato Police Department and Society! Since DeBernardi was both Victim and Law enforcement profession^{was} he was willing to Commit Perjury, Obstruct Justice and? So Corruptly motivated to apprehend a suspect and Solve in this case only because it was an

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1 attack on himself and other fellow officers from his Police Department.

2 The Evidence: Novato Police Dispatch tapes, DeBernardi's Original Police Report,
3 The false Manufacturer Police Report, and DeBernardi's testimony from the "Reporter's -
4 Transcript of Preliminary Hearing," all those items unfold a Criminal misconduct Coverup!!

5 On the night of the offense 2/18/06, Debernardi and "Three other Law enforcement
6 officers" Stated over the Police radio, that the perpetrator ethnic was "African American Male".
7 After the Search for the perpetrator, Debernardi wrote a Original report and wrote that
8 Suspect was, quote; "Not of Hispanic origin". However on the day of the Preliminary Hearing
9 examination (6/9/06), while Debernardi was being Cross-examined under oath, he committed
10 Perjury and stated that on the night of the offense while he searched for the suspect
11 at the "Scene of the Crime" he told other officers "around him" that he described
12 the suspect being a "Hispanic Male". (See Exhibit F, for more information on this Subject.)

13 The only reason Debernardi went a step further to Conceal evidence, and
14 produce false police report and Obstruct Justice is because he under estimated
15 the Defendant's ability to discover the recordings of Novato Police Dispatch tapes
16 and Secret Original Police report. Those two key items and testimony Debernardi's
17 testimony from the preliminary hearing is what supports Debernardi's Corrupt Criminal
18 misconduct. If it wasn't for the police dispatch tapes Debernardi would have
19 gotten away with Perjury and Obstruction of Justice. "You Can't unring
20 a Bell, once the Bell has rung"

21
22 A Criminal defendant has an ~~un~~ conditional right to represent himself or herself without
23 Counsel (Foretta vs California (1975) 422 U.S. 806, 833-835, 95 S.Ct. 2525, 45 L.Ed.2d 562).
24 With regards to Maintain Confidentiality of the "PARB" proceeding.....

25
26 Thank you PARB for your time and Consideration into this matter.

27
28 I Carlos Paredes declare under penalty of Perjury that the foregoing is
29 true and Correct to the Best of my knowledge and belief.

Respectfully Submitted,

x *Carlos Paredes* Dated: 5-13-7

Carlos Paredes

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1 Statements of Facts

2
3 According to Police Reports, at 10pm on February 18, 2006, (2/11/06) Novato Police
4 officer (Taira DeBernardi NRP# 281, 1319) responded to a fight involving "Ten Black Males,"
5 not involving the defendant. While in the parking lot a Suspect driving a 2003, BMW
6 vehicle backed up into officer DeBernardi patrol car, DeBernardi tapped on the window
7 and the driver refused to roll down the window. After attempts to get the driver
8 to exit his vehicle, the driver accelerated forward, in an attempt to flee. officer
9 (Stuart Baker) was standing within 20 feet from the front of the vehicle and had
10 his handgun drawn. The vehicle accelerated towards officer Baker and away from
11 DeBernardi. Officer Baker moved out the way of the vehicle which was accelerated
12 towards him. As the vehicle was exiting the parking lot, it collided head on
13 into (Sergeant J. Deadman NRP# 227) S.U.V. patrol vehicle. The vehicle slid
14 off the front of Sergeant Deadman patrol vehicle and continued out of
15 the parking lot.

16 The Novato police Department did not know the identity of the perpetrator but
17 according to (Novato P.D. dispatch tapes, that were given to the defendant's Attorney by the -
18 - Prosecutor upon request on March 14, 2006) "Three different Law enforcement officer's
19 including (The "Prosecuting only reliable 'Key witness' officer DeBernardi") he also put
20 out a broadcast over the police dispatch radio a description of a "Black Male-
21 -Suspect" (African American). In addition to that broadcast, the Suspect was reported
22 wearing a "Base ball Hat."

23 According to the (Novato CAD log Printout transcript) the search for the Suspect
24 started at 22:07 hrs - 23:59 hrs. Throughout the search hole search for the
25 Suspect, Novato Police officers were looking for a "Black Male."

26 After the search for the Suspect, Officer DeBernardi wrote a report (Police Report-
27 Supplemental No# Original, page 3 of 3, Reported Date: 2-18-06). In DeBernardi's report
28 page 2 of 3, under "Suspect Ethnicity;" DeBernardi ~~stated~~ "wrote," quote: "Not of Hispanic
29 Origin;" unquote. (Refer to DeBernardi's "Police Report Supplemental No# original," for
30 additional information) (See Exhibits A, B and B)

Page 4 of 13

1 On February 21, 2006, (according to Police reports) Detective Micheal Augustus
 2 of the Marin County Auto Theft Task Force informed Novato Police Detective Oliver
 3 Collins, that the ~~defendant~~ driver of the 2/18/06, incident might have
 4 been the defendant (Carlos Paredes). Until Detective Augustus told Novato Detective
 5 Collins that the defendant might have been the driver of the 2/18/06 stolen
 6 BMW, The defendant was never a suspect in the 2/18/06 alleged offense.
 7 Based on that information the Novato Police Conducted a photographic Line-up
 8 of Six Hispanic Men, in which (Carlos Paredes) was Magically identified as the
 9 perpetrator of the February 18, 2006, offense. Officer DeBernardi picked out a
 10 "Hispanic" suspect from the lineup.

NOTE

12 Note: On February 18, 2006, Officer DeBernardi along with "Three" other Law
 13 enforcement officers, ~~had~~ put out a broadcast over police Dispatch radio saying
 14 they ~~want~~ that the suspect was a "Black Male" (African American). In
 15 Officer DeBernardi's original Police report (Supplemental No. # Original, Reported Date -
 16 2/18/06) he said that the suspect of the 2/18/06 offense was, quote;
 17 "NOT of Hispanic Origin," unquote.

FACTS

19 On February 22, 2006, A Hispanic Male suspect (Carlos Paredes) is
 20 arrested and charged with the 2/18/06 offense.

22 On February 23, 2006, The Novato Police Department Submitted five (5) Police
 23 reports to the Marin County District Attorneys office to be used as evidence
 24 against the Defendant. The reports that were Submitted were: Officer Stuart Baker;
 25 (4) Tom Mackenzie; (3) Alex Rivera; (4) Jennifer Welch; and (5) Oliver Collins.
 26 ~~All five police reports~~ According to all five reports, on the "first page" of each
 27 report, under "Administrative Information," The evidence show that each police
 28 report was Successfully approved by "Approving Officers" before February 23, 2006
 29 That is the reason why those's police Reports were all Submitted to the District
 30 Attorneys office. However, Officer DeBernardi's ~~original~~ police Report Supplemental No. # Origin
 31 was never Submitted into evidence along with the other five police reports.
 32 The evidence reflect that DeBernardi's original report was Successfully approved

1 by "approving officer NP # 133," Approval Date: 2/21/06. [Question: "If officer
2 Debernardi's Police Report Supplemental No. # Original was approved Prior to February 23,
3 why wasn't it Submitted and process with the other "Five" police reports
4 that were Submitted to the District Attorneys office ???!"

5
6 On February 24, 2006, two days after officer DeBernardi "knew" the suspect name,
7 Ethnicity and physical identity, DeBernardi wrote a Police Report (Police Report Supplemental
8 - number 0005, Reported Date: 2/24/06 Reported time: 00:30 hrs) (see page 1 of 2 of the
9 report under "Administrative Information"). In Debernardi's report (Supplemental number #0005)
10 second page, second paragraph, Debernardi wrote the following statement which was
11 100% Contradicting to his prior Original Report.

12 (DeBernardi wrote: "At the time of my contact with Paredes,
13 I was unaware of his identity.
I described him as white or Hispanic Male.")

14 After Debernardi wrote the false report (Supplemental number 0005) it was successfully
15 approved by Novato approving officer "Badge number NP 227" on 2/24/06 at
16 11:56 hrs. (see Debernardi's Police Report, page 1 of 2, for additional information).
17 (See Exhibit A, attached hereto, for the "UNMASKING" identity of "Who" Police
18 Badge number "NP 227" really is, and the unfurling unfolding Conspiracy
19 cover-up of the "two bias, Novato Police officers.")
20 (See Exhibit B-2, attached hereto, for additional information, on Debernardi committing
21 perjury while under oath with regards to when he first wrote Supplemental No 0005 police report).
22

23 On February 27, 2006, Officer Debernardi's report "Police Report Supplemental No. #0005" was process
24 as wrongfully produce as genuine upon proceeding and used as false evidence against
25 the defendant. Magically DeBernardi's prior report, "Police Report Supplemental No. Original"
26 was never Submitted as evidence because it ~~had~~ was helpful to the accused (Carlos Paredes)
27 with exculpatory statements which would have led to dismissal of the criminal
28 charges against the accused (Refer to Exhibit B2, for additional information).
29

30 On March 16, 2006, The Defendant's Attorney made a "discovery Request" under California
31 Penal Code Section 1054.1 to have access to "Novato Police Department Dispatch traffic
32 tapes; And CAD Log Printout. Upon our request, these items were given to us.
33 From that day forward, after hearing the Dispatch tapes, officer Debernardi's criminal
34 misconduct started to ~~for~~ unfold."

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line

1. On June 9, 2006, the day of the Preliminary Hearing examination, Officer DeBernardi Contradicted
 2. all his testimony while under Cross-examination. He deliberately Committed Perjury
 3. while under Oath in a California Courtroom (See attached Exhibit's for more -
 4. additional information on how DeBernardi Obstructed Justice while under Oath). On the
 5. day of the Preliminary Hearing DeBernardi did not bring nor Submit his Original report
 6. to the District Attorneys ~~and~~ prosecutors. In fact Officer DeBernardi only brought his
 7. fabricated report (false Police Report Supplemental No. #0005) to support his false testimony while
 8. under Oath (Refer to "Preliminary Hearing Transcript Report" page 35, 36, 37, 38 for additional information)
 9.

10. On July 13, 2006, after analyzing officer DeBernardi's testimony from the
 11. "Preliminary Hearing Transcript Report" and Comparing it to other reliable documents, A
 12. discrepancy was noted. Based on DeBernardi's false statements/testimony while under
 13. Oath and other seriously "California Penal Codes violations;" ~~and other serious file~~ "I felt it
 14. was my right to file a Complaint with the Navajo P.P. (Penal Code 148.6(A)(1))
 15.

16. On July 30, 2006, A Citizen Complaint was Submitted to the Navajo Police Department
 17. along with, "two attached exhibit's A and B" in order to support allegations of,
 18. "Criminal misconduct, Perjury, Obstructing Justice and Cal. Pena Code violations, Section's -
 19. -118; 118.1; 118A; 125; 129; 134; 135; 141.4b) and 182(A)(2)(3).
 20.

21. On August 17, 2006, Navajo Police Department "Internal Affairs Investigator"
 22. (Sergeant Richard Hill, N.P.#133) Came to the Marin County Jail to "tape record" a
 23. statement from the defendant (Carlos Paredes) regarding the Citizen Complaint filed on
 24. Officer Taira DeBernardi. While being interviewed by Sergeant Hill, a documented report,
 25. "Writing by officer DeBernardi," was accidentally shown to the defendant. The report
 26. that was accidentally disclose was (DeBernardi's Police Report Supplemental No. #
 27. -Reported Date: 2/18/06). According to the report, DeBernardi wrote that the Suspect
 28. of the 2/18/06 offense was "Ethnicity" was, quote; "Not of Hispanic origin."
 29.

30. After the interview with Sergeant Hill, the Defendant (Carlos Paredes) informed
 31. Attorney Coffino, that there was a ~~False~~ Concealed police Report (Debernardi's -
 32. Supplemental No Original) which had Exculpatory Statements. In addition Debernardi's
 33. Concealed report, was very Contradicting and damaging ~~and~~ to his Credibility
 34. when Comparing both of his ~~per~~ police Reports, Supplemental No Original and
 Supplemental No. #0005. Based on Sergeant Hill's negligence, is what led

1 to the disclosure of officer Debernardi's Original Police Report.
 2 ~~Again~~ "The only reason the original report was ever discovered was because
 3 the defendant accidentally saw it on 8/17/06, while being investigated by
 4 Navato Police Department Internal Affairs, investigator Sgt. Richard Hill, Badge number N.P. 133."
 5 The only reason the Navato PD. turned over DeBernardi's Original Police report was
 6 because we ~~found~~ discovered it and because under Cal. Penal Code section 1054(E)
 7 "It's mandated by the Constitution of the United States."
 8
 9 California Penal Code section 135 "Destroying or Concealing documentary evidence."
 10 Destroying Evidence. Every person who, knowing that any book, paper, record, instrument in
 11 writing, or other matter or thing, is about to be produced in evidence upon any trial,
 12 inquiry, or investigation whatever, authorized by law, willfully destroys or Conceals the
 13 same, with intent thereby to prevent it from being produced is guilty of a misdemeanor.
 14
 15 On August 25, 2006, According to an article in the "Marin County Independent
 16 Journal" news paper. A 35 year old Black woman "Donna Hamilton" was physically
 17 Assaulted and called Racial names by Three Navato Police officers. Officer Debernardi was
 18 one of the officers that was involv in the beating, that ~~and~~ injure the
 19 Black woman. ~~He stated~~ According to the article Donna Hamilton filed a Citizen
 20 Complaint on officer Debernardi. (Refer to Marin County I.J. news paper article for more information)
 21
 22 Note: And just a final note, the dispatch tapes and CAD Log transcript reflect that the
 23 Suspect of the 2/18/06 offense was reported wearing a "Baseball Hat," ^{and} yet officer
 24 DeBernardi had no hesitation describing the length of the person's hair in his
 25 false report (Supplemental No. 0005) And magically, it happens to fit the same
 26 hair ~~len~~ length of the Defendant's (Carlos Paredes) Mugshot picture. Which by the
 27 way, Debernardi provided that hair length (1/2 inch to 1 inch Long) description
 28 in the fabricated police report, only after already knowing what the defendant
 29 lookt like. In addition Debernardi doesn't write anything about a ~~bat~~ Base ball Hat
 30 in his false report. It is, part of Debernardi's personal training as a Law
 31 enforcement professional, to record in the police Report the important Critical
 32 details of an investigation! (Commission on Peace Officers Standards Training).
 33 I hope it's clear to the P.A.R.B. that officer Debernardi had a

[Page 8 of 13]

1 unique and personal bias motive to obstruct Justice and bring Justice upon
 2 himself, regardless of the Defendants due process rights under the ~~set~~ state
 3 and federal Constitutions. Since Debernardi was both Victim, witness and
 4 Law enforcement Professional, he was manipulating both Criminal Judicial
 5 System, and the Power of his Police authority in order to Conceal
 6 his prior police report. Since Officer DeBernardi's original police report was
 7 very helpful to the accused (Carlos Paredes) it had exculpatory statements which
 8 would have led to dismissal of Criminal Charges, therefore Officer Debernardi
 9 went a step further ~~by~~ in preparing a false evidence (Police Report). In
 10 his false report (Police Report Supplemental No. 0005, Reported Date: 2/24/6) he describes
 11 the Suspect as being Hispanic or white, only after already knowing the
 12 Suspect's physical identity. Since the Discovery of the prior police report,
 13 Debernardi is Subject to Corruption and undermines the whole police Department
 14 investigation regarding this "Case." Debernardi's Credibility is worth
 15 Nothing! But what is alot more reliable is what Debernardi said
 16 over the radio repeatedly along with other Police officers that it was a
 17 "Black Male" Suspect. And how Debernardi could describe the hair
 18 lenght when you've got a guy wearing a baseball Hat is
 19 a big mystery to me! ???/

21 MEMORANDUM OF POINTS AND AUTHORITIES

22
 23 The working men and women in California law enforcement risk their lives every day. The people
 24 of California greatly appreciate the hard work and dedication of law enforcement officers in
 25 protecting public safety. The good name of these officers should not be tarnished by the
 26 actions of those few who commit discriminatory practices, ~~and~~

27
 28 Penal Code section 13519.4. Racial and Cultural diversity training.

29 (d) "Racial profiling," for purposes of this section, is the practice of detaining a suspect
 30 based on a broad set of criteria which casts suspicion on an entire class of
 31 without any individualized suspicion of the particular person being stopped.
 32 (e) A law enforcement officer shall not engage in racial profiling.

[Page 9 of 13]

"Scope and Weight of Evidence"

Evidence is broadly defined to include testimony, writing, material objects, or other things presented to the sense that are offered to prove the existence or nonexistence of a fact. (Evidence Code Section 140).

"Party having power to produce better Evidence"

If weaker and less satisfactory evidence is offered when it was ~~within~~ the power of the party to produce stronger and more satisfactory evidence, the evidence offered should be viewed with distrust (Evidence Code Section 412).

"Destroying or Concealing Documentary Evidence"

Every person who, knowing that any book, paper, record, instrument in writing, or other matter or thing, is about to be produced in evidence upon any trial, inquiry, or investigation whatever, authorized by law, willfully destroys or conceals the same, with intent thereby to prevent it from being produced is guilty of a misdemeanor (Penal Code Section 135).

"Preparing false documentary evidence"

Every person guilty of preparing any false or ante-dated book, paper, record, instrument in writing, or other matter or thing, with intent to produce it, or allow it to be produced for fraudulent or deceitful purpose, as genuine or true, upon any trial, proceedings, or inquiry whatever, authorized by law is guilty of felony (Penal Code 134)

Peace officer; false report

Every peace officer who files any report with the agency which employs him or her regarding the commission of any crime or any investigation of any crime, if he or she knowingly and intentionally makes any statement ~~is certified or otherwise expressly~~ regarding any material matter in the report which the officer knows to be false, whether or not the statement is certified or otherwise expressly reported as true, is guilty of filing a false report punishable by imprisonment (Penal Code Section 118.1)

Peace Officer-Planting or Manufacturing Evidence

Every peace officer who knowingly, willfully, and intentionally alters, modifies, plants, places, manufactures, conceals, or moves any physical matter, with specific intent that the action will result in a person being charged with a crime or with the specific intent that the physical matter will be wrongfully produced as genuine or true upon any trial, proceeding, or inquiry whatever, is guilty of violation of (Penal Code Section 141, Subdivision (b), a crime)

In order to prove this crime, each of the following elements must be proved:

1. A Peace officer knowingly, willfully, and intentionally [altered] [] [planted] [] [placed] [] [manufactured] [] [concealed] [] [] [moved] any physical matter; and
2. The peace officer did so [with the specific intent that the ~~physical matter~~ action would result in a person being charged with a crime] [] [] [with the specific intent that the physical matter will be wrongfully produced as genuine or true upon any [trial, proceeding, etc.] whatever]. (CALJIC No. 7.18)

Perjury defined; evidence necessary to Support Conviction.

Every person who, having taken an oath to (testify, declare, etc.) truly before any Competent tribunal, officer, or person, in any of the cases in which the oath may ~~be~~ by law be administered, willfully and Contrary to the oath, States as true any material which he or she knows to be false, is guilty of the crime of perjury in violation of Penal Code Section 118.

CALJIC 7.20 Perjury Under "Oath"—Defined

A false statement is material if [it could probably influence the outcome of the proceedings in which it is uttered. Whether it actually had that effect is irrelevant].

In order to prove this crime, each of the following elements must be proved:

- (1) A person knowingly took an oath to (testify, declare, etc.) truly before a Competent (tribunal, etc.) and willfully stated as true, matter which was false;
- (2) The (testimony, declaration, etc.) was [given] [made] in circumstances in which an oath may by law be administered []; and the deposition had been signed by the defendant [] [and was delivered to another person with the specific intent that it be uttered or published as true];
- (3) The person knew the statement was false;
- (4) The false statement was material; and
- (5) The person had the specific intent to (testify, declare, etc.) falsely under oath.

Destruction of Evidence [DeBernard's original Police Report, Dated 2-18-07].

The United States Supreme Court again addressed the issue in (Arizona vs Youngblood (1988) 488 U.S. 51, 109 S. Ct. 333, 102 L. Ed. 2d 281), holding that unless a Criminal defendant can [show] [] faith by the [Police], failure to preserve useful evidence does not constitute a denial of due process of law. The presence or absence

[Page 11 of 13]

of bad faith by the police necessarily turns on the police's knowledge of the
EXCULPATORY VALUE OF THE EVIDENCE at the time it is lost, destroyed,
 or Concealed.

On February 18, 2006, after the search for the Suspect of the 2/11/06 offense, Officer
 DeBernardi wrote an "Original" Police Report describing the Suspect ethnicity as, quote;
 "Not of Hispanic Origin," unquote. "DeBernardi's original police report was produce ~~before~~
 before the arrest of a Suspect."

On February 24, 2006, two days after the arrest of a Suspect, DeBernardi realized that his
 Original police Report was helpful material evidence on behalf ^{of the} accused because it
 had ~~ext~~ exculpatory value, which would have supported the accused innocence.
 Officer DeBernardi then Conceals his Original police Report in order to produce a
 false police Report as genuine. The original police report was never submitted into
 evidence nor was it ever disclose throughout Court proceeding. In fact the original report
 was Concealed for seven months and kept secret. On August 17, 2006, the report was
 only discover because it was ~~accidentally~~ accidentally shown to the defendant regarding a
 Citizen Complaint investigation. Base on that information is what led to the discovery of
 the Conspiracy Cover-up. DeBernardi's Concealed police Report was the missing element
 and puzzle piece to prove Obstruction of Justice and Corruption.

Police Reports

Due process requires disclosure of any reports containing evidence that undermines the
 credibility or probative value of prosecution evidence [Prosecution Evidence: DeBernardi's
 false police Report Supplemental-number 0005, Reported Date: 2/24/06] (United State vs -
 Striffler, 851 F.2d 1197 (9th Cir. 1988); Davis vs Alaska, 415 U.S. 308, 94 S. Ct 1105,
 39 L. Ed. 2d 347 (1974)).



Statements of Testifying Witnesses

Statements: The California Supreme Court has found that "[a]ll ~~in~~ notes or memoranda,
 handwritten or type," by law enforcement "with any witness which is relevant to
 said witness' credibility or upon the issues of defendants' guilt or innocence"
 must be disclosed. (People vs Ayala, 23 Cal. 4th 225, 279, 96 Cal. Rptr. 2d 682, 1 P. 3d
 3 (2000)).

Oral Statements: The Supreme Court, has noted that oral "reports of statements"
 of witnesses, as well as written and recorded reports of statements are
 discoverable. (People vs Hardy, 2 Cal. 4th 86, 179, 5 Cal. Rptr. 2d 796, 825 P.
 2d 781 (1992)).

Page 12 of 13

1 Inconsistent Statements.

2 Statements made by a prosecution witness that are inconsistent or that conflict with
 3 other statements made by the witness undermine the witness' credibility, and are
 4 favorable to the accused.

5 Original Notes of Police.

6 The original written notes of the interview of a witness constitute a written
 7 "statement" under the discovery statutes. The raw written notes of interviews by
 8 investigators (police investigators) or prosecuting attorneys with witnesses, that reflect
 9 the witness's statement, but not the interviewer's impression or opinion, are
 10 "statements" and must be disclosed, whether or not the notes are used to
 11 produce a formal written statement report (Thompson vs Superior Court, 53
 12 Cal. App. 4th 480, 484-487, 61 Cal. Rptr. 2d 785 (2d Dist. 1997)).

13 In reaching this conclusion the Court of Appeals held that "the witness'
 14 words, whether recorded electronically or by someone writing them down, are
 15 the statements. Whether left in that form, or rearranged, restated, or edited by
 16 someone else, the witness' words in the raw written notes or unedited
 17 tape remain a statement." (Thompson vs Superior Court (1997) 55 Cal. App. 4th
 18 480, 486, 61 Cal. Rptr. 2d 785).

19 Federal Courts also consider the notes that record the oral statements
 20 of a witness as a "statement" of that witness which may be used as a
 21 prior inconsistent statement to impeach the witness. (Paradis vs Arave (9th
 22 Cir. 2000) 240 F.3d 1169, 1179).

23 ~~Nevertheless~~ Nevertheless officer DeBernardi is in violation of the
 24 Defendants due process rights under the State and Federal Constitutions, for
 25 concealing in bad faith the original police report. In addition DeBernardi is
 26 also in violation of California Penal Code sections for submitting false documentary
 27 evidence, false statements under oath, committing perjury, and obstructing justice.

28
29 CALJIC 2.92 Factors to Consider in proving Identity by Eyewitness Testimony

30 Eyewitness testimony has been received in this trial for the purpose of
 31 identifying the defendant as the perpetrator of the crime charged. In determining the
 32 [weight] to be given eyewitness identification testimony, you should consider the
 33 believability of the eyewitness as well as other factors which bear upon the
 34 accuracy of the witness' identification of the defendant, including, but

1 not limited to, any of the following:
 2 [The witness' ability, following the observation, to provide a description of the perpetrator of
 3 the act;] [The extent to which the defendant either fits or does not
 4 fit the description of the perpetrator previously given by the witness;]
 5 [The cross-racial [or ethnic] nature of the identification;]
 6 [Whether the witness was a trained observer;]
 7 [Whether Criminal was masked or disguised;]
 8 [Whether witness made any notes of the incident;] and
 9 [Any other evidence relating to the witness' ability to make an identification]
 10

11 The evidence: Novato Police Dispatch tapes, Debernardi's Original Police Report, The false
 12 Police report, and Debernardi's testimony from the Preliminary Hearing Transcript/ Report, all
 13 unfound a Criminal misconduct Cover-up.!!!!!!!!!!!!
 14 On the night of the incident 2/11/06, Debernardi and two other Law enforcement officers
 15 stated over the Police radio that the ~~per~~ perpetrator ethnic was "African American."
 16 After the search for the perpetrator, Debernardi wrote a Original report and wrote that Suspect
 17 was "Not of Hispanic Origin." However on the day of the Preliminary Hearing examination 6/9/06,
 18 while under oath/cross-examination Debernardi Committed Perjury and stated that on
 19 the night of the offense while searching for the Suspect, ~~at~~ at the scene of the crime,
 20 he told other officers ~~and~~ "around him" that the suspect was "Hispanic." (See Exhibit-
 21 - F for more information on this subject).

22 The only reason Debernardi Obstructed Justice and Submitted false
 23 evidence is because he underestimated the Defendants ability to discover the
 24 Novato Police Department Dispatch tapes and the Original Police report. These two "Key" items
 25 ~~is~~ and testimony from the preliminary hearing, is what supports Debernardi's Criminal misconduct.
 26 Just because Officer is a Peace officer, does not shield him from the United States
 27 Judicial System nor does it give him power or the right to violate the ~~Defendants~~
 28 ~~rights~~ Constitutional Rights of Citizens of the Community.

29 I understand that am not a U.S citizen, but I still have Constitutional Rights
 30 rights regardless if am "Mexican".

31 Thank you PARB for your time and Consideration into this matter.

32 I Carlos Paredes declare under Penalty of Perjury that the foregoing is
 33 true and correct to the Best
 34 of my knowledge and belief.

Respectfully Submitted,
 x *Carlos Paredes* Dated 5/13/7
 Carlos Paredes

[Page 1 of 4]

Line

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(Exhibit - B: "Perjury while under Oath"
Inconsistent and Contradicting Statements.)

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Fact: On the night of the incident "February 18, 2006," Officer Debernardi wrote a report (Police Report Supplemental No. Original, page 3 of 3 Reported Date: 2/18/06) and wrote that the Suspect Ethnicity was, quote; "Not of Hispanic Origin," unquote.

"However, DeBernardi's original Police Report was never Submitted or process to the Marin County District Attorneys office to be used as evidence in the prosecution's investigation. It wasn't even Submitted as evidence 'Three Months after the incident' on (06/09/06) the day of the Preliminary Hearing examination! In fact, Debernardi's original Police report was kept secret and deliberately concealed for up to seven months when it was accidentally disclose on August 17, 2006. (See Exhibit ; for more additional information on this Subject matter)."

On February 24, 2006, two days after officer DeBernard "knew" the Suspect names, Race, and physical identity. He wrote a report (Police Report Supplemental No. 0005, page 2 of 2 - Reported Date: 2/24/06). According to Debernardi's report (Report Supplemental No. 0005) he wrote a "Statement" which was false, Contradicting and very impeaching to his "Credibility with regards to his prior description of the suspect he made on the night of 2/18/06, on Bath, "Police dispatch radio" saying it was a "Black Male" suspect, and what description he wrote on # his original report dated 2/18/06 (Supplemental No Original) quote; "Not of Hispanic Origin."

Magically in Debernardi's report dated 2/24/06, (Supplemental No. 0005) he wrote the following: "At the time of my contact with Paredes, I was unaware of his identity. I described him as a white or Hispanic Male," Debernardi's false police Report was Submitted to the District Attorneys office to be process as evidence against the defendant.

Debernardi's personal interest and desire to deliberately Conceal documented evidence (Police Report Supplemental No. Original, Reported Date: 2/18/06) and to falsely Produce stronger and more ~~at~~ Satisfactory ungenune matiral evidence (Police Report - Supplemental No. 0005) were bias motives for the following reason's: (1) Officer Debernardi wrote in his original police report that the Suspect of the

[page 2 of 4]

Exhibit - B2

1 2/18/06 offense was, quote, "Not of Hispanic origin". On 2/22/06, the suspect that
 2 was being charged for the 2/18/06 offense was Hispanic (defendant Carlos Paredes).
 3 DeBernardi knew that the original report and prior statement was favorable
 4 evidence to the accused (Carlos Paredes) because it had exculpatory statements,
 5 "which if discovered," would have led to the dismissal or acquittal of the
 6 criminal charges against the accused. ~~There~~ Therefore the original report was
 7 concealed and never submitted into evidence. (2) Both of the victims,
 8 Officer DeBernardi and "Sgt Deadman, Police Badge number NP 227" conspired
 9 to manipulate the power of the Police Badge and to obstruct justice (see -
 10 -Exhibit A). Since "they" both were law enforcement professionals, witnesses
 11 who were also victims, they had a very unique personal interest and motivation
 12 to quickly find and arrest the perpetrator and solve the crime regardless
 13 if it was the alleged perpetrator, or not, of the 2/18/06 offense. Since the
 14 attack was on Officer Baker, Deadman and DeBernardi, both of the victims
 15 went a step further in bringing justice upon themselves by concealing evidence
 16 DeBernardi's report (Supplemental No-Original) in order to ~~pre~~ prepare and
 17 produce a false police report (DeBernardi's Supplemental No. 0005, Reported Date 2/24/06).
 18 When the false report was finished, Sgt Deadman NP 227, (the victim) conspired
 19 to committing perjury and personally approved DeBernardi's false police
 20 report. "Keep in mind, on the night of the incident Sgt Deadman knew that
 21 the suspect they were looking for, ~~was~~ for two hours was a Black guy,
 22 how, and why? because it was dispatched over the police radio" (Refer to Exhibit A,
 23 attached hereto, for the unmasking and conspiracy cover-up, of the two
 24 corrupted, bias Novato Police officers). (3) Since DeBernardi's original statements
 25 in his original police report was very helpful to the accused, but yet
 26 damaging to both Novato P.D. Investigations and Marin County prosecutor, DeBernardi
 27 original report was concealed for seven months! Since officer DeBernardi wrote
 28 and finished his original Police Report before the arrest of ~~a~~ the suspect
 29 (Carlos Paredes). A false manufacture police report (Supplemental No. 0005) was produced
 30 on 2/24/06 at 00:30 hrs, with stronger and satisfactory misleading statements
 31 than the prior original police report. (4) By unrevealing and ~~states~~ concealing
 32 the original Police Report DeBernardi was able to easily modify, plant,
 33 manufacture and produce false evidence, "Police Report Supplemental No. 0005."
 34

[Page 3 of 4]

Exhibit - B2

1 The motive of Suppressing the original report was to produce stronger and
 2 more satisfactory evidence. Since the false report (Supplemental No. 0005) was
 3 then wrongfully produce as genuine upon proceeding, Debernardi made it he's
 4 Obligation to never let the original Report be disclose because it was so
 5 damaging to Debernardi's Credibility. Even more so, it was really
 6 Contradicting and very bias-impeaching evidence which would have
 7 Supported the true intentions of Debernardi's Criminal behavior, in addition
 8 it would have ~~undoubtedly~~ also supported the Criminal Elements of
 9 bias, Perjury, Corruption, falsification, Conspiracy and Obstruction of
 10 Justice, with regards to Comparing both reports together (Supplemental No. 0005[#]
 11 and report (Supplemental No. Original).

12 Fact: Nevertheless, Officer Debernardi is in violation of California Penal Code
 13 Section's del. 118, "Perjury defined; evidence necessary to support conviction,"
 14 118.1 "Peace officers; false report," 134 "Preparing false documentary evidence,"
 15 135 "Destroying or Concealing documentary evidence," 141(b) "Peace officer Planting
 16 or Manufacturing Evidence," and California Evidence Code Section 412 "Party having
 17 power to produce better evidence".

18 ~~He~~ Debernardi has also violated the "Law Enforcement Code of
 19 Ethics". part of it states: "To Protect the Innocent Agents DECEPTION" -
 20 "I will never Act ~~official~~ Officially Or Personal Feelings Prejudices,
 21 Animosity or Friendships to ~~Inf~~ Influence my Decisions" - "Honest in
 22 Thought and Deed in both my Personal and Official Life" - "To Respect
 23 The Constitutional Right of All Men to Liberty Equality and
 24 Justice".

25 Debernardi seems to think this "Code of Ethics" has no meaning or value
 26 to him!

27 (Preliminary Hearing Transcript Report
 28 Testimony from Officer DeBernardi, Under Cross-examination)

29 (Preliminary Report page 35: Line 17-28)

30 Defense Attorney: [Q] Do you have your police Report in front of you?

31 [A] Yes, I do. (Police Report Supplemental No. 0005, Reported Date: 2/24/6)

32 [Q] And it reflects that you wrote the report on February 24, is that right?

33 [A] May I check my report to verify that? Attorney: Yes.

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Exhibit B2

Line

1. THE WITNESS DEBERNARDI: Yes, the report date shows February 24th, '06.

2. [Q] And is that when you actually wrote the report? [A] No, it's not.

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(California Penal Code Section 118.

Pervjury defined: evidence necessary to Support Conviction)

Pervjury under Oath. Every person who, having taken an Oath to (testify, declare etc.) truly before any Competent tribunal, officer, or person, in any of the cases in which the Oath may by law be administered willfully and Contrary to the Oath, states as true any material matter which he or she knows to be false, is guilty of the crime of pervjury in violation of Penal Code section 118.

Preliminary Hearing Transcript Report, page 36 line 1-28 (officer Debernardi under..... Oath)

[Q] Well, how do you know when you wrote the report?

[A] That date should be in the reported date box, top of the report, administrative information, first line, fourth box. [Q] Right. And that says reported date 2/24/06, Right?

[A] Correct. [Q] So, that's when you wrote your report, Correct?

[A] No, it's not. [Q] Okay, let me ask you again. When did you write your report?

[A] I wrote it the night of the incident. The incident occurred on 2/18. So, possibly by the time I sat down in front the computer and started writing, it was 2/18/06.

(Fact: Debernardi Committed pervjury when he stated that the 2/24/06 report was written the night of the incident. The evidence speaks for its self!)

[Q] And you wrote your report before the photo lineup? [A] Yes, the report was started the evening of the incident. [Q] Okay, on page 2 of your report

you refer to the photo lineup, don't you? [A] Yes, I do.

(Page 37) [Q] So, how could you have written your report before the photo lineup if you're referring to the photo lineup in the report? [A] The report was not submitted

until--- and I would to check the log for the exact date, but the report was submitted after the photographic lineup.

Note: Debernardi: According to testimony from Debernardi, he said under oath that the 2/24/06 report (Police Report Supplemental number 0005) was written on the night of

the incident. ~~Report~~ 100% false and Contradicting. The evidence and Debernardi's testimony speaks for its self, regardless of what ^{he} says! Nevertheless Debernardi

is also in violation of Penal Code 141(b) and 118.1 "Peace officer false Police Report."

[Page 1 of 1]

Exhibit A-1

Line

1.

(EXHIBIT-A: Unmask the mysterious, Secret identity of)

2.

(Navato Police Department Badge Number, NP 227 (Sergeant John David Deadman, NP 227))

3.

4.

Bias: Unfoldin Badge number NP 227 Conspiracy Cover-up.

5.

6.

FACT: Accordin to police reports, on the night of February 18, 2006 the Suspect

7.

(Black Male) of the Stolen vehicle Crashed into Sergeant "Deadman NP 227" S.U.V. patrol

8.

vehicle.

9.

The Suspect of the vehicle was discribed by officer "Taira DeBernardi" and other Law

10.

enforcement officers as a "Black Male" (African American) over the police dispatch radio.

11.

(Refer to Navato Dispatch traffic tapes) According to dispatch tapes, the "Black Male" discription was

12.

broadcast over the air Five (5) times. Sgt. Deadman was also involed in the Search

13.

for the Black Male Suspect.

14.

After the Search for the Suspect, Officer DeBernardi (The Prosecution key witness) wrote a police

15.

report (Police Report Supplemental No. Original, Reported Date 2/18/06). According to DeBernardi's original

16.

report, he wrote that the Suspect's "Ethnicity" was, quote, "NOT of Hispanic Origin."

17.

the original report was approved on 2/21/06, Approved officer Sgt Richard Hill, NP 133.

18.

19.

On February 21, 2006, a Hispanic Male Suspect is arrested and charged with the 2/18/06 incident.

20.

21.

On February 23, 2006, Navato Police Department Submitted "Five" (5) police Reports to the

22.

District Attorneys office to be used as evidence against the defendant.

23.

However, Officer DeBernardi's Original report (Police Report Supplemental No. Original, Reported Date 2-18-06)

24.

was never submitted into evidence. In fact the original report was deliberately Concealed

25.

for up to "7" months up until August 17, 2006, the day the original report was

26.

accidentally disclose, "for the first time ever," by Navato P.D. Internal Affairs investigator

27.

Sgt. Hill, who was investigating a Civil matter (Citizen Complaint No. 06-08, Subject, DeBernardi,

28.

allegations of "Perjury while under oath).

29.

30.

MEMORANDUM OF POINTS AND AUTHORITIES

31.

(Subject Officer DeBernardi's Concealed Police Report Supplemental No. Original.)

32.

(1) Under Penal Code section 135, Destroying or Concealing documentary evidence.

33.

Every person who knowing that any book, paper, record, instrument in writing, or other matter

34.

or thing, is about to be produced in evidence upon trial, inquiry, or investigation

Page 2 of 4

Line

1. whatever, authorized by law, willfully destroys or Conceals the same, with intent thereby
 2. to prevent it from being produced, is guilty of a misdemeanor. (Penal Code Section 135)

4. Statements of Testifying Witness

5. Statements of testifying witness, under California Penal Code Section 1054.1(F) provides for
 6. disclosure of "witness" written or recorded statements of witness or reports of the statements
 7. of witness whom the prosecutor intends to call at the trial.

8. Statements: The California Supreme Court has found that "[a]ll notes or memoranda,
 9. handwritten or typed" by Law enforcement "with any witness which is relevant
 10. to said witness' Credibility or upon the issues of defendant's guilt or
 11. innocence" must be disclosed. (People v. Ayala, 23 Cal. 4th 225, 279, 96 Cal. Rptr. 2d
 12. 682, 1 P.3d 3 (2000)).

13. Police Reports: is based both on the Statute and on due Process
 14. concerns. Penal Code § 1054.1(F) provides for disclosure of any reports containing evidence
 15. that undermines the Credibility or probative value of prosecution evidence.
 16. (United States v. Stapp, 851 F.2d 1197 (9th Cir. 1988); Davis v. Alaska, 415 U.S. 308,
 17. 41 S. Ct. 1105, 39 L. Ed. 2d 347 (1974)).

18. Original Notes of Police: The original written notes of the interview of a
 19. witness constitute a written "Statement" under the discovery Statutes. The raw
 20. written notes of interviews by investigators (Police Departments) or prosecuting attorneys
 21. with witnesses, that reflect the witness's statements, but not the interviewer's
 22. impressions or ~~app~~ opinions, are "Statements" and must be disclosed, whether or
 23. not the notes are used to produce a formal written statements report.
 24. (Thompson v. Superior Court, 53 Cal. App. 4th 480, 484-488, 61 Cal. Rptr. 2d 785 -
 25. (2d Dist. 1997)).

26. In reaching this conclusion the Court of Appeals held that "the witness' words
 27. whether recorded electronically or by someone writing them down, are the statements.
 28. Whether left in that form, or rearranged, or edited by someone else, the witness'
 29. words in the raw written notes or unedited tapes remain a statement." (Thompson v.
 30. Superior Court (1975) 55 Cal. App. 4th 480, 486, 61 Cal. Rptr. 2d 785).

31. Federal Courts also consider the notes that record the oral statements of a
 32. witness as a "Statement" of the witness which may be used as a prior inconsistent
 33. to impeach the witness. (Parsons v. Arave (9th Cir 2000) 240 F.3d 1169, 1179).

Page 3 of 4

Line

1. According to the Marin County District Attorneys report filed on February 23, 2006.

2. Sergeant John Deadman was a victim of a (245.C; Assault with deadly weapon

3. upon a Peace officer).

4. On February 23, 2006, two days after already knowing the identity of the

5. Suspect (defendant Carlos Paredes) Officer DeBernardi fabricated false evidence, a "false"

6. police report (Police Report Supplemental No. 0005, Reported Date 2/24/06 at 00:30 hrs).

7. Note: On the day of the Preliminary Hearing (6/09/06) while DeBernardi was under Cross-

8. examination, he committed Perjury while under Oath and said he wrote his police report

9. Supplemental No. 0005 on the night of 2/18/06 and deliberately denying writing the

10. report on 2/24/06. However the evidence prove that police report in fact police report

11. Supplemental No 0005, was started/written on 2/24/06. (See Exhibit , for additional

12. information and disclosure refutation of DeBernardi Obstruction Justice).

13. On February September 15, 2006, it was discovered that the person "who"

14. Approved officer DeBernardi's "false police Report Supplemental No. 0005, was approving officer

15. Police Badge number # NP 227. According to "Novato P.D. CAD Log Printout records", Badge

16. number NP 227 is, (Sergeant John David Deadman, Call sign "13X9").

17. The Novato P.D. submitted fifteen (15) different police reports in total to the

18. District Attorneys office as evidence. The evidence show that most of the police reports

19. were successfully approved by approving officer N.P. 133. (See Each police report

20. that was submitted, on first page, under "Administrative Information", for additional

21. examination and inspection). It's really puzzling that only one police report was

22. ever approved by approving officer N.P. 227 out of the 15, police reports. And

23. Magically the report that NP. 227 (Sgt Deadman) did approve, happened to be

24. Officer DeBernardi's false report (Supplemental No. 0005).

25. Under California Penal Code section's 127, "Subornation of Perjury". Every person who

26. willfully procures another person to commit perjury is guilty of perjury and is punishable

27. in the same manner as he would be if personally guilty of the perjury so procured;

28. and Section 132, "Offering forged, altered, or ante-date book, document or records

29. record", and 134, "Preparing false documentary evidence". (Sgt Deadman and officer DeBernardi

30. are Both guilty of Perjury, Conspiracy and Obstructing Justice).

31. Unfolding The Conspiracy Cover-up.

32. Obstruction of Justice: After months of investigation and analyzing

33. all 15 police reports, dates, times, and Police reports approved officers. A

34.

weigh

Page 4 of 4

Line

1. Conspiracy Cover-up was unfolded. (See table 1. ~~Below~~ for more information)

2. **TABLE #1**

3. (1) on [redacted] officer DeBernardi had his "Police Report Supplemental No. #0005" approved by
4. approving officer (Sgt.) Badge-number [redacted] (Sgt. Deadman) at approval time [redacted] (See
5. - DeBernardi's Supplemental No. 0005 report)

6. (2) on [redacted] officer DeBernardi had "Police Report Supplemental No. #0002" approved by
7. approving officer (Sgt.) Badge-number [redacted] at approval time [redacted] (See DeBernardi's report -
8. Supplemental No. 0002)

9. (3) on [redacted] officer Trevor Hall, "Police Report Supplemental No. Original" was approved
10. by officer (Sgt.) Badge-number [redacted] at approval time [redacted] (See Trevor Hall report)

11.
12. Question: How is it, that on 2/24/6, Sgt. Deadman "only" approved DeBernardi's false report
13. (Supplemental No. 0005) but yet didn't approve the other "Two police Report's" (See As shown on
14. Table #1). According to DeBernardi's false report, he wrote that, "At the time of his Contact with
15. the suspect he described him as being Hispanic." It's really amazing how on the night
16. of the incident, Sgt. Deadman knew, and heard on dispatch radio, that the suspect was a
17. "Black Male" (African American), and that's what the Novato Police officers were looking for! But yet
18. Sgt. Deadman authorized ~~and~~ DeBernardi's report anyways, deliberately knowing that the
19. statements in DeBernardi's report were false.

20. Note: I'm wondering, how do you go from "looking for a Black Male, African American suspect,"
21. to then magically change in the suspect ethnicity, to Hispanic? The Hispanic description was
22. ^{only} ~~only~~ mention after already apprehending a suspect.

23. The evidence clearly show that Both (victims and law enforcement professionals) officer
24. DeBernardi and "Sgt. Deadman" Bias, motivation to solve the crime was corruptly
25. affected by there designation as the victims of the crime and an attack
26. on other officers ~~the Police Department's~~ of the Novato Police Department. Sgt. Deadman and
27. DeBernardi Both knew that on the night of the incident (2/11/6) they were all looking for a
28. Black guy suspect. Not a Hispanic male, like shown in DeBernardi's original police report
29. that was never submitted into evidence and was kept secret for 7 months. However, what
30. both officers didn't know, is that the defendant was going to 1. Ask for the
31. Novato dispatch tapes and 2. discover DeBernardi's secret police report. Those to
32. Elements, is what led to the Conspiracy Coverup and the Obstruction of
33. Justice. If it wasn't for the dispatch tapes, Both officers would have gotten
34. away with Perjury.

Page 1 of 4

1 (Exhibit F, "Preparing False Documentary Evidence,"
 2 Perjury Under "Oath," Concealing evidence
 3 Statements of Facts
 4 On February 18, 2006, while searching for the perpetrator at the [Scene of the Crime]
 5 for ~~the~~ over "two hours" (See Novato CAD Log Printout) officer DeBernardi described the
 6 Suspect ethnicity ethnicity as "African American male," over the police dispatch radio
 7 (See Novato P.D. dispatch tapes).
 8 After the search for the suspect, DeBernardi wrote a report (Police Report Supplemental-
 9 number #Original, Reported Date: 2/18/06). In DeBernardi's original report, he wrote,
 10 "Suspect Ethnicity, 'Not of Hispanic origin.'
 11 Commission of Peace Officer Standards Training."
 12 Note: [It's part of DeBernardi's personal training as a Law Enforcement professional,
 13 to record in the police report the important critical details of an investigation.]
 14
 15 On February 24, 2006, two days after Officer DeBernardi had knowledge of the
 16 suspect name, ethnicity and physical identity, he started/wrote a false report
 17 (Police Report Supplemental-number 0005, Reported Date: 2/24/06) at 00:30 hrs (see DeBernardi's
 18 report Supplemental No #0005 under "Administrative Information"). In DeBernardi's false report,
 19 he wrote a damaging contradiction with regards to what he said over dispatch radio
 20 and what he wrote in his original police report.
 21 (DeBernardi wrote: "At the time of my contact with Paredes, I was unaware of his")
 22 identity. I described him as white or Hispanic male."
 23 [Party having power to produce better evidence.]
 24 [If weaker and less satisfactory evidence is offered when it was within the power of
 25 the party to produce stronger and more satisfactory evidence, the evidence offered should
 26 be viewed with distrust, (Cal. Evidence Code Section 412).]
 27
 28 After DeBernardi wrote the false police report, it was ~~approved~~ Deliberately approved
 29 by one of the victims (Police Badge Number NP 227) who was also involve for the
 30 search of the Black Male perpetrator of the 2/18/06 offense. DeBernardi's false report
 31 was secretly approved by "Victim, Sgt. Desdman," (See Exhibit A-1 for the unmasking of
 32 who who is Badge-number NP 227, and why NP 227 submitted a false police report).
 33 As for DeBernardi's prior report, Police Report Supplemental-number Original, it was
 34 Corruptly Concealed for seven months, in order to submit the false report (Supplemental-
 35 number #0005) into evidence and upon Court proceeding against the Defendant.

Page 2 of 4

Exhibit 1

1 Penal Code section 134, "Preparing false documentary Evidence"

2 Every person of preparing any false or ante-dated book, paper, record, instrument in

3 writing, or other matter or thing, with intent to produce it, or allow it to be

4 produce for any fraudulent or deceitful purpose, as genuine or true, upon any

5 trial, proceeding, or inquiry whatever, authorized by law, is guilty of FELONY.

6

7 On March 16, 2006, the Defendant's Attorney made a "discovery Request, under California

8 Penal Code section 1054.1," to have access to "Novato Police Department dispatch traffic

9 tapes; And CAD Log Printout." Upon our request, those items were given to us

10 because it's "mandated by the Constitution of the United States." After hearing

11 the Novato Police dispatch, "from that day forward," Officer DeBernardi's Criminal misconduct

12 started to unfold!

13 Preliminary Hearing Transcript Report

14 (Refer to Preliminary Hearing Report, page 14: line 20-28)

15 * Testimony from Officer DeBernardi, while under Oath-----"

16 [Q.] At the time of the incident, how did you describe him?

17 [A.] I described him as a light skin Black Male to dark skin White Male.

18 Preliminary Report page 30: line 1-24.

19 Cross-examination: [Q.] And how did you describe the Suspect in your report-- according to your

20 report? [A.] I describe him as a white or Hispanic male.

21 [Q.] And what you wrote in your report was, "At the time of my contact with paredes,

22 I was unaware of his identity;" is that right? [A.] That's Correct.

23 [Q.] But you said, quote, "I described him as a white or Hispanic male;" is that

24 right? [A.] Correct. [Q.] And who would you have described him

25 that way to? [A.] To other officers at the scene.

26 [Q.] So, who did you describe him that way to at the scene?

27 [A.] Any officers around me as we were talking about the incident.

28 [Q.] After the search? [A.] During the end of the search or after the search.

29 [Q.] What officers did you say that to? [A.] I don't have a specific name I

30 could give you.

31 Page 32: line 1-5

32 [Q.] So, when you wrote in your report that you described him as a white

33 or Hispanic male, you were referring to something other than the

Page 4 of 4

Exhibit F

1 According to Officer DeBernardi's testimony from the Preliminary Hearing page 30 and 32,
 2 DeBernardi said that, as "he" and other police officers searched for the suspect
 3 at the scene of the crime while they were "contacting people and trying to
 4 identify the suspect," he told those other officers that the suspect was a
 5 Hispanic male. DeBernardi stated that he described the suspect as Hispanic male
 6 "during the end of the search or after the search."

7 Question: If in fact, DeBernardi was really referring to the suspect as a
 8 Hispanic male like Shaun in his false police report, the same report that was
 9 written two days after a suspect was arrested, why did he conceal his prior original
 10 Police Report that stated, "Not of Hispanic origin".....? If DeBernardi was referring to
 11 the suspect as a Hispanic male to other fellow officers Police officers after the
 12 search, for how come his prior testimony stated that he described the suspect
 13 as being Hispanic male as "they" were "contacting people at the scene of the
 14 crime trying to identify the person.....?" But what is
 15 even more amazing, is the fact that, DeBernardi gave testimony while under Oath
 16 testifying to, "describing the suspect as Hispanic Male to other police officers
 17 at the scene of the crime while 'they' were searching for the suspect" how
 18 come after the search DeBernardi wrote a police report clearly stating
 19 that the suspect's ethnicity was, "Not of Hispanic origin".....?
 20 DeBernardi committed Perjury by stating that he described the suspect as
 21 Hispanic male at the scene of the crime. The evidence is what it is, Not what
 22 DeBernardi says it is.

23 ~~Perjury~~ Perjury Under Oath.

24 Every person who, having taken oath to (testify, declare, etc.) truly before any competent
 25 tribunal, officer, or person, in any of the cases in which the oath may by law
 26 be administered willfully and contrary to the oath, states as true any material
 27 matter which he or she knows to be false, is guilty of the crime of perjury
 28 in violation of Penal Code 118.

29 Concealing Evidence Penal Code 135,

30 False Peace Officer Report Penal Code 118.1

Incident Report

NOVATO POLICE DEPARTMENT

06-1087

Supplement No
ORIG

909 MACHIN AVENUE
NOVATO, CA 94945-3602

Phone
(415) 897-4361
Fax
(415) 898-5344

Reported Date
02/18/2006
Nature of Call
HIT & RUN
Officer
DEBERNARDI, TAIRA

Administrative Information

Agency NOVATO POLICE DEPARTMENT	Case Number 06-1087	Supplement No ORIG	Reported Date 02/18/2006	Reported Time 22:09	CAD Event L06024658
Status Report to follow	Nature of Call Hit and Run	Location 9 GARDEN CT			
City Novato	ZIP Code 94947	Rep Dist NP4C/	Area NP	Beat NP4	From Date 02/18/2006
To Time 22:09	Officer NP281/DEBERNARDI, TAIRA	From Time 22:08	To Date 02/18/2006		
Assignment Police Officer	Entered by NP281	Assignment Police Officer	RMS Transfer Successful	2nd Officer BAKER, STUART	
Solvability B- Medium/High Level - Priority 2	Score 275	Approving Officer NP133	Approval Date 02/21/2006		
Approval Time 09:28:04					
Related Case Number NP06-1085 / NP06-1086					

# Offenses	Offense	Description	Complaint Type	Race	Sex	DOB
1	20002 VC	Hit & Run		O	M	
Link	Involvement	Invl No	Name			
SUS	SUS	1	UNKNOWN			
Link	Involvement	Invl No	Name			
VIC	VIC	1	MARTIN, NATHAN BRUCE	W	M	08/25/1984
2	23103 VC	Reckless Driving		O	M	
Link	Involvement	Invl No	Name			
SUS	SUS	1	UNKNOWN			
3	22107 VC	Warr/Inf Traffic Vio		O	M	
Link	Involvement	Invl No	Name			
SUS	SUS	1	UNKNOWN			

Person Summary

Invl	Invl No	Type	Name	MNI	Race	Sex	DOB
SUS	1	I	UNKNOWN		O	M	
VIC	1	I	MARTIN, NATHAN BRUCE	3008744	W	M	08/25/1984

Vehicle Summary

Invl	Type	License No	State	Lic Year	Year	Make	Model	Style	Color
ACC	1				2003	BMW	530	4D	SIL
ACC	1	5LHB657	CA	2006	2005	TOYT	SCI	2D	BLK

Summary Narrative

See attached collision report.

Report Officer
NP281/DEBERNARDI, TAIRA

Printed At
08/18/2006 08:08

Page 1 of 3

Incident Report

NOVATO POLICE DEPARTMENT

06-1087

Supplement No
ORIG**Suspect 1: UNKNOWN**

Involvement	Invt No	Type	Name	Race	Sex	Age
Suspect	1	Individual	UNKNOWN	Other	Male	25
Ethnicity	Juvenile?	Hair Color	Eye Color	Skin	Gen Appearance	Build
Not of Hispanic origin	No	Black	Brown	Medium	Clean	Heavy
Hair Description	Facial Features					
Short hair/Straight	Unshaven					
Clothing						
Black/Short sleeve						

Victim (Person) 1: MARTIN, NATHAN BRUCE

Involvement	Invt No	Type	Name	MNI
Victim (Person)	1	Individual		
Race	Sex	DOB	Age	Ethnicity
White	Male	08/25/1984	21	Not of Hispanic origin
Eye Color	Skin			
Blue	Light			

Ho	
ZIP Code	94949

Type	Operator	Employer/School
		SANTA ROSA JC

Vehicle

Involvement	Type	Year	Make	Model	Style	Color
Traffic accident	Auto	2003	BMW	530	4-door Automobile	Silver/aluminum
Value	VIN	Storage	Dispo	Dispo Date		
\$40,000	WBADT63453CK31969	Downtown Ignacio Tow	Towed	02/19/2006		

Damage	# Occupants
Left	1

Involvement	Type	Year	Make	Model	Style	Color
Traffic accident	Auto	2003	BMW	530	4-door Automobile	Silver/aluminum
Value	VIN	Storage	Dispo	Dispo Date		
\$40,000	WBADT63453CK31969	Downtown Ignacio Tow	Towed	02/19/2006		

Damage	# Occupants
Left	1

Has Keys	Release Information
WITH VEHICLE	RO or agent

Tow By	Condition	Auth By
Downtown Ignacio Tow	Damaged	DEBERNARDI, TAIRA

Tow From
9 GARDEN CT

Tow To	Person Notified
106 GALLI DR #A	OWNER

Ntly Date	Tow Auth/Reason
02/19/2006	22651(C) VC

Link	Involvement	Invt No	Name	Race	Sex	DOB
DRV	SUS	1	UNKNOWN	O	M	

Vehicle: 5LHB657

Involvement	Type	License No	State	Lic Year
Traffic accident	Auto	5LHB657	California	2006
Lic Type	Year	Make	Model	
Passenger Automobile Plates	2005	Toyota/Toyota Motor Co., Ltd.	SCI	

Style	Color	VIN	Dispo	Dispo Date
2-door Automobile	Black	JTKDE177950030674	Left at Scene	02/19/2006

Damage	# Occupants
Right	0

Link	Involvement	Invt No	Name	Race	Sex	DOB
SUS	SUS	1	UNKNOWN	O	M	

Link	Involvement	Invt No	Name	Race	Sex	DOB
OWN	VIC	1	MARTIN, NATHAN BRUCE	W	M	08/25/1984

Narrative

Report Officer	Printed At	Page
NP281/DEBERNARDI, TAIRA	08/18/2006 08:08	2 of 3

Incident Report

NOVATO POLICE DEPARTMENT

06-1085

Supplement No
0005

Officer Taira Debernardi
False Police Report (Supplemental)
Not: 0005, Reported date 2/24/06

AVENUE

949

361

344

CONFIDENTIAL INFORMATION

RELEASED

Reported Date: 02/24/2006

Nature of Call
ASSAULTOfficer
DEBERNARDI, TAIRA

Administrative

Agency
NOVATO POLICE
Status
Report to for
Location
1535 S NOVATO
Area Beat
SO2 SO21
Officer
NP281/DEBERNARDI

Assignment
Police Officer

Approval Date
02/24/2006

NP281 Police Officer

Approval Time
14:56:52

Supplement No	Reported Date	Reported Time	CAD Event
0005	02/24/2006	00:30	L06024634
rav, Simp, Battery, Att murd			
City	ZIP Code	Rep Dist	
Novato	94947	S21C/	
To Time			
18/2006	22:07		
Assignment	2nd Officer		
Police Officer	DEBERNARDI, TAIRA		
RMS Transfer	Approving Officer		
Successful	NP227		

Modus Operandi

Narrative

Introduction

On 02-18-06 at approximately 2205 hours, I was dispatched to the area of DeSilva's bar (1535 S. Novato Blvd) on a report of a physical altercation not associated with this incident.

Upon arrival, I pulled into the private parking lot fronting 1535 S. Novato Blvd and observed a gray 2003 BMW, with paper plates, also pulling into the PPL from Center Rd. I was behind the vehicle as the vehicle proceeded southbound towards the Post Office. I realized the vehicle would be unable to continue forward, due to the presence of NPD vehicles that also responded to assist with the reported altercation. I therefore stopped approximately 20 feet behind the BMW, allowing plenty of space for the driver to maneuver around the patrol vehicle if needed.

While still sitting inside my patrol vehicle, I observed the back-up lights of the BMW activate. The vehicle started backing in a straight line towards my patrol vehicle and the driver appeared unaware of my presence. I repeatedly honked my horn to alert the driver of the BMW of my presence and the impending collision. The driver continued backing until he struck the front bumper of my patrol vehicle (see collision portion of case NP06-1085 for additional information).

I then contacted the driver and sole occupant of the vehicle, later identified as S-Paredes.

Investigation

I approached the BMW from the driver side and attempted to contact the driver through the front driver side window, which was closed. I knocked on the window and requested to see Paredes' CDL, registration and proof of insurance. Paredes did not comply with my request and appeared to be putting the vehicle in "drive."

The BMW began to pull forward and I walked on the side of it, by the driver's side window. I repeatedly requested Paredes roll down the side window and turn the vehicle off. Once again Paredes refused to comply with my request and, realizing he could not continue forward, he placed the vehicle in "reverse."

Paredes backed up rapidly, making a right turn to avoid my patrol vehicle and forcing me to follow the car movement to avoid being struck by the swing of the front portion of the BMW. I extended my department issued expandable baton and continued giving verbal orders to Paredes to turn the engine off and get out of the vehicle. Officer Baker, who was approaching the vehicle to assist me with this incident, was now in a position fronting the vehicle.

Paredes put the vehicle in "drive" and rapidly accelerated towards Officer Baker. I struck the front driver side

Report Officer NP281/DEBERNARDI, TAIRA	Printed At 02/27/2006 14:24	Page 1 of 2
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177498

Incident Report
NOVATO POLICE DEPARTMENT**06-1085**Supplement No
0005**Narrative**

window of the vehicle with my baton, but did not brake the glass. Officer Baker ran to his left, to avoid being struck by the vehicle.

Paredes rapidly accelerated through the parking lot towards Center Rd and struck the front of Sgt Deadman's patrol vehicle, which was stopped at the entrance/exit of the parking lot area (see collision report NP06-1086 for additional information).

Paredes continued driving eastbound on Center Rd and Garden Ct, where he collided with a parked vehicle (see collision report NP06-1087 for additional information). He then fled the area on foot.

At the time of my contact with Paredes, I was unaware of his identity. I described him as a White or Hispanic male, approximately 25 years old. He had short black hair (approximately 1/2 to 1 inch long), brown eyes and was wearing a black t-shirt.

I was later asked to look at a photographic lineup and identify, if present, the driver of the vehicle. I identified the picture of Paredes as being the suspect in this incident. I advised Officer Rivera that at the time of my contact with Paredes, he was a little thicker in the face than shown on the picture. Additionally Paredes had shorter hair and appeared a little older than his picture depicted. Nevertheless, Paredes was the driver and sole occupant of the silver BMW at the time of this incident.

Disposition

Supplement to be forwarded to the DA's Office.

Carlos Fuentes
Marin County Jail
13 Del Norte Blvd
San Rafael CA 94903

San Francisco, CA 94102

Clerk of the United States District Court of Northern District of California
450 Golden Gate Avenue
Box 36060
San Francisco CA 94102

2.14